

Applicant : Jiro Kishimoto et al.
Serial No. : 09/822,722
Filed : March 30, 2001
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Attorney's Docket No. 10287-058001

REMARKS

The Examiner's amendment mailed with the Notice of Allowance cancels claims 1 and 48-108 and notes that Louis Myers authorized the amendment during a telephonic interview on December 1, 2003. Due to an apparent misunderstanding during that interview, certain claims were canceled which Applicants did not intend to cancel and whose cancellation Mr. Myers did not intend to authorize, including claims that were dependent on the allowed claims, claims that had been requested to be rejoined under MPEP 821.04, and claims that had been requested to be considered under MPEP 809.02(a) as reading on additional Wnt species falling under the generic allowed claim. Applicants apologize for the misunderstanding and respectfully request that the canceled claims be placed back under examination pursuant to the present amendment.

Claims 34 and 35 are allowed. New claims 109-171 are added. The present claim amendments merely reinstate the claims that were pending before entry of the Examiner's amendment. Applicants now merely reiterate the previous request made in the reply dated August 27, 2003, regarding consideration of the added claims, including search of additional Wnt species as provided under M.P.E.P. § 809.02(a), and rejoinder and examination of claims covered by restriction groups I and VI under M.P.E.P. § 821.04. No new matter is added.

Interview Summary

In a telephonic interview between the Examiner, the undersigned and Louis Myers on December 10, 2003, and a follow-up interview between the Examiner and the undersigned on January 15, 2004 the misunderstanding regarding the claims canceled by Examiner's amendment, as noted above, was discussed. The undersigned asked that the notice of allowance and Examiner's amendment be revoked and prosecution be re-opened to consider the canceled claims. However, the Examiner stated that the best way to remedy the situation and allow consideration of the canceled claims would be to file an amendment after allowance under 37 C.F.R. § 1.312. The present amendment is being filed pursuant to this recommendation by the Examiner.

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Species Election and Rejoinder

Applicants note that claims 34 and 35 are allowed, claim 34 being a generic claim. Therefore, as previously requested in the reply dated August 27, 2003, Applicants again respectfully request consideration and search of new generic claim 113 (previously claim 52) and of additional Wnt species (new claims 109-167, former claims 48-106) as provided under M.P.E.P. § 809.02(a).

In addition to the allowed claims, claims in restriction groups I and VI are pending (formerly claims 1, 30, 107 and 108, now claims 168-171). Claims 168-171 depend, directly or indirectly, from the allowed composition claims. Therefore, Applicants respectfully request rejoinder and examination of claims 168-171, as permitted under M.P.E.P. § 821.04, as previously requested.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date:

3 February 2004

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